IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

| GEORGIA SOUTHWESTERN RAILROAD, INC., |) |
|---|------------------------|
| Plaintiff, |) |
| vs. |) CASE NO. 2:06cv3-TFM |
| AMERICUS C. MITCHELL, JR., |) } |
| Defendant. |) |

NOTICE OF CONFLICT

NOW COMES counsel for Defendant AMERICUS C. MITCHELL, Jr. and serves this Notice of Conflict on the Court regarding the June 4, 2007 trial setting of this matter. The undersigned counsel are also scheduled to try the case of Wayne McGaughy v. Ozark Delivery of Alabama, LLC, United States District Court for the Middle District of Alabama, Northern Division, Civil Action No. 2:06-cv-320-MEF, before the Honorable Terry F. Moorer at the same date and time. Judge Moorer was advised of this conflict during the April 5, 2007 pre-trial hearing in the Mitchell case and this notice is seeking clarification as to which matter will be tried on that date.

Respectfully submitted,

D. CRAIG ALLRED Attorneys for Defendant

AMERICUS C. MITCHELL, JR.

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CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of April, 2007 filed the foregoing *Notice of Conflict* with the Clerk of the Court for the United States District Court for the Middle District of Alabama, Northern Division, using the CM/ECF system, which will send notification of such filing to:

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OF COUNSEL